

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Michael Leon Holdbrooks, :  
: :  
Petitioner(s), : Case Number: 1:18cv183  
: :  
vs. : Judge Susan J. Dlott  
Warden, Correctional Reception Center, et al., :  
: :  
Respondent(s). : :  
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on January 15, 2019 (Doc. 7), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 29, 2019, hereby ADOPTS said Report and Recommendation.

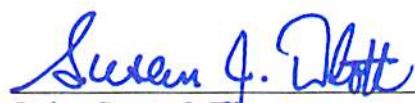
Accordingly, respondent's motion to dismiss (Doc. 6) is GRANTED and petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 (Doc. 3) is DISMISSED without prejudice to refiling after petitioner exhausts his state court remedies.

A certificate of appealability will not issue under the standard set forth in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), because "jurists of reason" will not find it debatable whether this Court is correct in its procedural ruling that petitioner has failed to exhaust state court remedies and that this case is dismissed without prejudice pending his exhaustion of such remedies.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the

Court certifies pursuant to 28 U.S.C. §1815(a)(3) that an appeal of any Order adopting the Report and Recommendation will be not be taken in “good faith,” and therefore petitioner is DENIED leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.



Judge Susan J. Blott  
United States District Court